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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 August 2000, at 3 p.m.

Chairperson: Ms. MOTOC

CONTENTS

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES

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Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-15036 (E)

The meeting was called to order at 3 p.m.

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (agenda item 8) (E/CN.4/Sub.2/2000/10, 27 and 28)

1. Mr. SIK YUEN, introducing his working paper on the human rights problems and protections of the Roma (E/CN.4/Sub.2/2000/28) said that chapter I gave the historical background, while chapter II divided the human rights problems of the Roma into two sections: racism and violence (section A) and socio-economic problems (section B). Chapter III dealt with human rights protection of the Roma, chapter IV covered recourse to regional and international organizations for the protection of human rights, and chapter V related to a feasibility study. There was clearly an urgent need for a thorough study to be made of the situation of the Roma.

2. The Roma were victims of every known type of human rights abuse. If the problems associated with racism and violence were to be resolved, States must live up to their duties to promote and protect human rights. As Mr. Yokota had said in relation to agenda item 2, those duties could be divided into five categories: "prevention", "respect", "protection", "punishment" and "remedies". He wished to stress the fifth category in relation to section A, namely the obligation of States not only to compensate victims of human rights violations in which they were directly involved, but also - and possibly even more significantly - to provide financial, medical and other assistance to the victims of human rights violations committed by others.

3. As for section B, the massive inequalities preventing the Roma from effectively enjoying their socio-economic rights required affirmative action, particularly in education and employment.

4. Despite the discrimination and indignities suffered, the Roma must not remain in a cocoon of self-imposed exclusion, but must make efforts to integrate - particularly in the light of the newly expressed interest of Governments in promoting and protecting their rights. Moreover, the Roma must claim their rights not as a favour done to them, but as fully-fledged citizens.

5. A number of recent developments had been reported in the world's media. In Germany, where recent bombing by a neo-Nazi group had led to six deaths in a Jewish community, it had been announced that there was a need for tougher anti-racist laws and policy on prosecution and sentencing. In France, traders in Chambley were apparently exerting pressure on their local authorities to prevent several thousand Roma from holding their annual meeting, which involved setting up a camp in the village. In the Czech Republic, the Government had taken measures to make kindergartens accessible to five-year-old Roma children to improve their chances of securing a place in a normal primary school at the age of six. In Chile, the most popular soap opera on television was entitled "Roma". The reportedly successful adaptation of the Roma in South America merited further study.

6. Mr. JOINET said that he was delighted that the Roma question - one of the most sensitive issues ever tackled by the Sub-Commission - was finally beginning to receive the attention it deserved. In the past, when the issue had been raised by non-governmental

organizations (NGOs) and others, it had never managed to hold the international community's attention for long. It was as if nobody had wanted to take responsibility for a people dispersed throughout so many countries. The causes of the human rights problems and intolerance to which the Roma were subjected, although well-known, were difficult to overcome. He thus looked forward to reading the comprehensive list of recommendations which Mr. Sik Yuen proposed to elaborate, including measures for their effective implementation.

7. Ms. FREY said that Mr. Sik Yuen's working paper (E/CN.4/Sub.2/2000/28) drew attention to the need for further action by the Sub-Commission on the urgent issue of the human rights of the Roma, an issue that was already receiving close attention from the Committee on the Elimination of Racial Discrimination. The most serious threats facing the Roma in Central and Eastern Europe were violence and discrimination. Many States were not providing protection to the Roma in those cases, failing in their obligation to investigate and bring the perpetrators to justice.

8. Discrimination against the Roma, most notably in the areas of education, housing and employment, was rife. The few Roma children attending school in Central and Eastern European countries were often segregated into special schools for "intellectually deficient" students, and illiteracy was very high among the Roma.

9. A combination of red tape and discrimination often condemned the Roma to live in inferior ghetto-like housing on the periphery of towns. Local councils, unchallenged by the Government, had issued ordinances banning Roma from their communities. The discrimination against the Roma was further compounded by the lack of reliable data on their social and economic situation in many countries.

10. She encouraged the Sub-Commission to endorse the conclusions in Mr. Sik Yuen's paper and to recommend that he be authorized to prepare a comprehensive study on the human rights problems and protections of the Roma. A full study should include a review of national legislation to protect the Roma, an analysis of the experience of the Roma with the criminal justice system and in education and in employment, biased treatment of the Roma in the media and the particular effects of discrimination against the Roma on women and children.

11. Governments, for their part, should, in consultation with the Roma communities, immediately take steps to fulfil their obligations under international human rights law. They should also: adopt legislation prohibiting all forms of discrimination against the Roma; promptly and aggressively prosecute ethnically motivated crimes against the Roma; provide mandatory training for police officers and prosecutors to enable them adequately to investigate and prosecute hate crimes; and provide the means for civil prosecution for victims of ethnic violence or discrimination so that the Roma could seek compensation for their injuries. A concerted effort was needed by Governments, NGOs and Roma leaders to begin addressing the problem of the widespread discrimination and violence facing the Roma throughout Europe.

12. Mr. FAN said that it was clear from the report of the Working Group on Minorities on its sixth session (E/CN.4/Sub.2/2000/27) that the Working Group had made important progress, in particular with regard to maintaining a balance between the interests of minorities and majorities. He also welcomed the fact that it was paying attention to the importance of safeguarding national unity.

13. The working paper on the relationship and distinction between the rights of persons belonging to minorities and those of indigenous peoples (E/CN.4/Sub.2/2000/10) was most enlightening. As for the working paper on the human rights problems and protections of the Roma (E/CN.4/Sub.2/2000/28), it demonstrated that Mr. Sik Yuen was committed to a serious and courageous study of that sensitive issue. Mr. Sik Yuen should be given the opportunity to pursue his work.

14. It was a matter of concern that a number of American and European States parties continued to maintain reservations concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, which called, inter alia, for positive measures to eradicate incitement to, or acts of, racial hatred and discrimination. The Committee on the Elimination of Racial Discrimination in its general guidelines had stressed that the article was of paramount importance for the implementation of the Convention.

15. It was clear that minorities had a number of legitimate rights which must be protected. According to article 8, paragraph 4, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, however, nothing in the Declaration might be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

16. The multi-ethnic character of most States was currently a fact, and the world was undergoing a tumultuous period of ethnic conflict. As the former Secretary-General of the United Nations had stated in An Agenda for Peace, if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic well-being for all would become ever more difficult to achieve.

17. The human rights of all ethnic groups within a State's territory must be further promoted and protected, but it was important to be vigilant to prevent any separatist attempts.

18. Mr. KARTASHKIN, welcoming the working paper on the human rights problems and protections of the Roma (E/CN.4/Sub.2/2000/28), said that Mr. Sik Yuen should be given the mandate to pursue his insightful work. He should also be encouraged to broaden his study to include the activities of any regional organizations that might be working to protect Roma interests, such as the Council of Europe or the Organization for Security and Cooperation in Europe (OSCE). No mention was made in the working paper of any individual communications relating to the Roma that might have been received by the European Court of Human Rights, for instance.

19. The Committee on the Elimination of Racial Discrimination always paid particular attention to the issue during its dialogue with the States parties, but it was not the only

United Nations body dealing with Roma-related issues. In his future work, Mr. Sik Yuen should pay special attention to measures that might be adopted at the international level to complement and inform national efforts to improve the situation of the Roma. To that end, Mr. Sik Yuen should be appointed special rapporteur on the Roma.

20. Mr. OGURTSOV, also welcoming Mr. Sik Yuen's working paper, said that the Sub-Commission must take urgent steps to promote the rights of the Roma. A situation in which an entire people was the object of racial discrimination, violence and human rights violations was not to be tolerated. The security of the Roma was undermined not only in Kosovo - where Roma were subject to racial violence - but in a number of European countries where neo-fascist groups were regrettably making a comeback. It must not be forgotten that, during the Second World War, the Roma had been exterminated on a scale comparable to that of the Holocaust. It was a matter of concern that extremist groups continued to view the Roma as lesser human beings.

21. Despite the efforts of European regional organizations in the mid-1990s, the situation of the Roma had only worsened. The experience of the United Nations in protecting the human rights of ethnic minorities must be harnessed in their interests. Indeed, the Sub-Commission had sufficient grounds for commissioning a comprehensive study of the issue. Mr. Sik Yuen should be encouraged to continue his work by pursuing contacts with the relevant European regional mechanisms, in particular the OSCE Contact Point for Roma and Sinti Issues.

22. Mr. GUISSÉ said that Mr. Sik Yuen's working paper (E/CN.4/Sub.2/2000/28) provided an excellent introduction for him and others like him who knew little of the human rights abuses endured by the Roma in certain countries. It had opened up a new and extremely important avenue for future study.

23. Mr. EIDE said that the issues of housing, employment and education discussed in Mr. Sik Yuen's working paper were, of course, very important, but he encouraged Mr. Sik Yuen to focus in future studies on the crucial issues of the availability of effective remedies and the impartiality of law-enforcement officials. He also hoped he would look into the specific case of the Roma who had been expelled from Kosovo the previous year despite the international presence there.

24. Mr. RODRÍGUEZ-CUADROS said that Mr. Sik Yuen's first-class working paper not only provided comprehensive information on the situation of the Roma but also attempted to map out a course of action for protecting and safeguarding those rights, with suggestions regarding the forms such protection might take. He was particularly interested to hear Mr. Sik Yuen refer, in his introductory statement, to Mr. Yokota's five categories of the duties incumbent upon States in respect of the promotion and protection of human rights. He agreed with Mr. Eide that it was absolutely crucial to ensure that the Roma received fair treatment under the law and had access to effective remedies. Like other members, he believed the Sub-Commission should give Mr. Sik Yuen a new mandate to carry out a more thorough study.

25. Ms. KILLINGHAM (International Human Rights Association of American Minorities) said that residents of the District of Colombia did not enjoy the same protection under the law as other residents of the United States because Congress held the power of exclusive legislation

over the District of Colombia and had not included its residents in existing apportionments of congressional districts. Their right to due process had been violated when a lower court entered a judgement against their case without addressing their unique claims and evidence. She called for self-government for the residents of the District of Colombia, freedom for political prisoners, a fair judicial system and reparation for blacks in America.

26. Mr. JAMES (International Human Rights Association of American Minorities) said that discrimination continued to be practised against the indigenous peoples of the Americas despite the efforts of the United Nations. In Alaska, indigenous people suffered serious health problems because they were denied access to their natural foods; immigrants had commercialized those natural food resources and were depleting fish and other food stocks.

27. Disproportionate numbers of indigenous people were imprisoned throughout America, sometimes in prisons thousands of miles from their tribal lands. Record numbers of indigenous children were being adopted by non-natives and were thus being deprived of knowledge of their culture and heritage. The authorities simply "bypassed" Indian families entitled to remedial services for the reunification of families under federal law.

28. Traditional Indian values and religious practices were threatened throughout the United States by colleges and universities exploiting indigenous cultures in courses of native American studies and "creation spirituality". Lakota Indians were protesting against the gross commercialization and academic bastardization of their spiritual beliefs.

29. Mr. KARTASHKIN said that the Working Group on Minorities had entered a new phase in its work. Whereas it had in the past basically devoted itself to theoretical and thematic issues, it had recently turned its attention to practical issues such as the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Of course, the Working Group would continue to prepare studies on thematic issues relating to minorities, but it would spend a significant proportion of its time at its next session trying to find ways to resolve specific problems. He believed that such an approach, which combined practical and theoretical aspects, would be successful in the long run.

30. The views of Governments and NGOs should be sought on the desirability of drafting a convention on the rights of persons belonging to minorities. Such a convention could draw on the experience of regional instruments; it should be possible, for example, to find an internationally acceptable definition of a minority on the basis of the definitions contained in regional instruments and of article 27 of the International Covenant on Civil and Political Rights. The issue of drafting such a convention was raised in the Working Group's recommendations, which, if approved by the Sub-Commission, would enable the Working Group to develop an array of practical measures.

31. Ms. HAMPSON, referring to the working paper by Mr. Eide and Mrs. Daes (E/CN.4/Sub.2/2000/10), said that she had found the classification into categories of rights (para. 2) quite helpful. Although it was generally true, as stated in paragraph 10, that minorities had no right to collective self-determination, that idea had been somewhat qualified by the Human Rights Committee in its general comment on article 1 of the International Covenant on

Civil and Political Rights. If a minority was denied the right to participate in public life, by not being allowed to vote or form political parties for instance, so that the State authorities could not claim to represent that minority, it might have some collective right.

32. The section on the beneficiaries of the four categories of rights raised the awkward question of the criteria for determining membership of a group. It was useful to make a distinction between minorities and indigenous peoples, as there were significant differences between the two groups and States would accept rights for indigenous peoples that they would not accept for minorities, but the distinction was difficult to apply in practice. While a group's experience of discrimination was central to its definition as a minority, it should be remembered that some minorities also needed to be able to protect their culture and language.

33. Referring to the working paper on the Roma prepared by Mr. Sik Yuen (E/CN.4/Sub.2/2000/28), she agreed with Mr. Ogurtsov on the importance of regional initiatives. She stressed the importance of taking effective measures to prevent hate speech and racially motivated attacks and the importance of carrying out thorough investigations, prosecuting the guilty and punishing public officials who failed in their duties.

34. While it was true, as stated in paragraph 42, that the Roma had had very little recourse to regional and international organizations for the protection of their human rights, that situation was changing. In the past four years, the European Court of Human Rights had passed judgement in three cases involving very serious violations of the human rights of the Roma, including failure to protect the right to life. The Roma, and the courageous lawyers who took on their sometimes unpopular cases, could make more effective use of the case law of the Court.

35. Ms. AL TABAL (North-South XXI) drew attention to the expulsion of thousands of Palestinians from occupied East Jerusalem. In defiance of Security Council resolutions, the Government of Israel had declared Jerusalem to be its capital, and was applying discriminatory policies to reduce the number of Arabs in the city. Arabs were refused building permission and their buildings were even demolished; they were treated like foreigners in their own land, not being allowed to participate in elections; and Palestinian prisoners had been held for years without trial. The Israeli Government's policy aimed at the Judaization of the city was beginning to bear fruit. Steps must be taken to protect the human rights of the Arab minority in Jerusalem.

36. Ms. DIWAN (International Council of Jewish Women) said that any discussion of the rights of persons belonging to minorities involved the question of how to regard a human being both as an individual and as a member of a group. One effect of the recent advances in communications and information technology had been the erosion of social and cultural structures everywhere, thus requiring a new approach to the study of the future of human groups. All such modern trends, including the effects of globalization, the influence of large multinational companies and the decline of the nation State, as well as the growth in migration movements, were shedding new light on the question of minorities and of their identity as set forth in article 1, paragraph 1, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

37. Likewise, as scientific advances had shown, genetic heritage was as much a determinant of identity as were ethnic, religious and cultural factors. As Mr. Eide had said in commenting on article 3, paragraph 2, of the Declaration, the provision was addressed both to the State and to minority group organizations, and the State could not impose sanctions on individuals who did not wish to belong to a group.

38. No individual, in fact, could be viewed as bound solely to one group and everyone had the right to enjoy more than one collective identity. Unfortunately, recent conflicts stemming from ideas of ethnic cleansing had been a calamitous setback to world progress and tolerance; it was too often forgotten that all nations had a multi-ethnic basis and that many civilizations that had enriched the history of the world had evolved from a blend of different cultures - a word which, unfortunately, was currently debased through being misapplied to almost any fashionable phenomenon.

39. Education could help enormously to promote greater understanding for the benefit of minority groups at the national, regional and world levels; and States must strive to avoid the extremes of assimilation on the one hand and the fragmentation of identity on the other.

40. Mr. EIDE, introducing the working paper on the relationship and distinction between the rights of persons belonging to minorities and those of indigenous peoples (E/CN.4/Sub.2/2000/10), drew attention to part I which was his own contribution thereto.

41. Attention to the rights specific to minorities and indigenous peoples had begun quite a long time previously, when the Sub-Commission's aim, pursuant to its original title, had been the prevention of discrimination and protection of minorities. It had been deemed useful to draw a distinction between minorities and indigenous peoples, and the Sub-Commission had subsequently been instrumental, inter alia, through various studies and working groups, in promoting awareness of the distinction, which the working paper currently before the Sub-Commission attempted to clarify.

42. He drew attention to the recognition of four sets of relevant rights, outlined in subparagraphs 2 (a) to 2 (d) and ranging from general human rights of the individual to solely collective rights. The conclusions, set forth in paragraphs 22 to 26, reflected a fairly clear distinction between minorities and indigenous peoples. General human rights had a distinctly integrative function, and persons belonging to minorities often had several identities and participated actively in the common domain - the underlying assumption being that indigenous peoples, having a preuominantly indigenous identity, participated less. The latter's culture, too, was viewed as more closely linked to the use of land and natural resources.

43. Since, however, the usefulness of a clear-cut distinction might be debatable, it was perhaps time for the Sub-Commission to look at the issue again and consider whether all minorities and indigenous peoples should be treated alike or whether some differentiation was required. With regard to Ms. Hampson's observations, it might perhaps be the case that a minority whose rights were not respected had a right to self-determination, but the difficulty would be in deciding when such a situation would apply.

44. Mrs. DAES, referring to her own contribution (part II) to the working paper, drew attention to the factors, set out in paragraph 28, which had repeatedly been asserted, singly or in combinations, as characteristics of either minorities or indigenous peoples. In the case of the last factor, aboriginality, there seemed to be different implications in international law; the principal legal distinction being in respect of internal self-determination, as mentioned in paragraph 43. Although some minorities enjoyed limited self-government, as stated in paragraph 44, only indigenous peoples were currently recognized, as a matter of international law, as possessing a right to political identity and self-government.

45. She agreed with Mr. Eide that it might be timely for the Sub-Commission to review the whole matter, bearing in mind, in that regard, the findings of previous studies and working groups.

46. Mr. SIK YUEN said he welcomed the working paper that had just been introduced. Referring to the differentiation, mentioned in paragraph 8, with regard to specific rights, he wondered whether a rigid distinction was possible. Any agreed form of autonomy would require the parties concerned to establish a suitable framework, for which many crucial factors, such as land, would vary from case to case. A mainstream population often perceived - quite wrongly - that minority protection measures in some way eroded their own rights; it was important, therefore, to educate and assure populations that the protection of human rights involved no competition between those of a minority and those of a majority.

47. He greatly appreciated the Sub-Commission's comments about the working paper he had presented on the human rights problems and protections of the Roma (E/CN.4/Sub.2/2000/28), including the many helpful suggestions and recommendations. That paper reflected only a beginning of the task, to be pursued. While not wishing to pre-empt a decision to initiate the feasibility study proposed in Chapter V of the working paper, he had already made tentative arrangements to visit some of the institutions mentioned in the paper, with a view to promoting further attention to the topic.

48. Mr. MUHAMMAD (Caucasians United for Reparations and Emancipation) said that his organization, and 31 African-American organizations, endorsed recommendation by the Working Group on Minorities that a regional seminar for the Americas should be held (E/CN.4/Sub.2/2000/27, para. 116). The so-called African-Americans did not, unfortunately, fit the United Nations established definition of a minority or a people, and felt that the definition should be amended. The heritage of slavery meant that they had lost their mother tongue, culture and religion, and thus their identity; they nevertheless wished, as an indigenous group, to be reinstated as a people, since their forebears had possessed ancestral territory from which they had been forcibly removed. His organization appealed, therefore, to the Sub-Commission and the Working Group on Minorities, and supported the notion that race was a constituent element of the definition of a minority.

49. Mr. SHAHIN (Himalayan Research and Cultural Foundation) welcomed the statement by the Chairperson-Rapporteur of the Working Group on Minorities, as reflected in paragraph 85 of the Group's report (E/CN.4/Sub.2/2000/27), that minority demands for separation from the State of which they formed a part did not fall within the mandate of the Working Group. The Chairman-Rapporteur had also stressed that the Declaration on the Rights of Persons Belonging

to National or Ethnic, Religious and Linguistic Minorities was intended to strengthen such rights in the context of the principles laid down in the Charter of the United Nations. That emphasis was unfortunately missing from the discourse and activities of several minority groups in South Asia.

50. Minority grievances were sometimes exploited by rival States for their own strategic ends. Minorities in India had access to virtually unlimited funds, arms and training from across the country's borders if they were prepared to engage in subversive activities, erroneously referred to as a jihad. The fundamentalist interpretation of jihad in that context could not but lead to the denigration and misinterpretation of Islam as a religion that fomented sectarian hatred and violence.

51. The struggle to enforce minority rights must go hand in hand with the pursuit of political and social stability and international peace. It was therefore appropriate that the Working Group on Minorities had emphasized the importance of promoting mutual understanding between and among minorities and Governments.

52. A study of Hinduism and Islam revealed a symbiotic relationship between the two religions. They supplemented each other, as did all religions. The task of interpreting religion should not be left to those who had a vested interest in its misinterpretation.

53. He welcomed civil-society initiatives at the international level aimed at spreading awareness of the need for multicultural and intercultural education. Seminars on the subject along the lines of that held in Canada in 1999 should be organized in other parts of the world, particularly in South Asia.

54. Mr. SYED (European Union of Public Relations) said that the Chairman-Rapporteur of the Working Group on Minorities had specified four requirements for the protection of minorities: protection of their existence, non-exclusion, non-discrimination and non-assimilation (E/CN.4/Sub.2/2000/27, para. 17). Unfortunately, discrimination against minorities was actually written into the constitutions of certain States. His organization urged the Sub-Commission to request the Chairperson-Rapporteur to analyse those constitutions and propose measures to prevent the legalization of discrimination.

55. Multi-ethnic, multicultural, multi-religious and multilingual States had to perform a fine balancing act to protect the rights of minority groups. He welcomed the Sub-Commission's efforts to come to their assistance by proposing appropriate protective mechanisms and measures. Nevertheless, the report of the Working Group on Minorities, while addressing the issue of conflict between the State and internal minorities, failed to mention conflicts in which external forces targeted minority groups. The Kashmiri Pandits, a minority Hindu group, had been driven from their homes by militants sponsored by Pakistan, one of whose aims was to shatter the common cultural identity of the population of Jammu and Kashmir. The Sikh minority in Kashmir had also been targeted recently by the so-called mujahidin.

56. Developments in the post-cold-war period indicated that such situations would be encountered more and more frequently. It was high time for the Sub-Commission to pay adequate attention to the problem.

57. Mr. GRAVES (Interfaith International) said that violations of the political, cultural and religious rights of minorities in China were continuing. Many Muslim Chinese had been executed the previous month for demanding the basic right of freedom of expression. Unfortunately, the lack of an adequate response from the international community, including the United Nations, meant that such violations were set to continue. The President of his organization, who had paid many visits to China, had heard local people complain about United Nations neglect of their cultural and religious rights.

58. The people of Chechnya wondered why the United Nations, which had helped East Timor to achieve independence, was unable to assist them in preserving such minimum rights as the right to life, security and human dignity.

59. The Government of Saudi Arabia, which was a signatory to many international human rights treaties, had yet to live up to its promises to improve the situation of the Shi'a Muslim minority. No real progress had been made towards granting minorities the status of full citizens in terms of religious, employment and social rights.

60. Sectarian killings in Pakistan continued to endanger the security of minorities despite the military Government's promise to stamp out such killings.

61. In Turkey, the Alawis - the country's largest religious minority - were deprived of basic rights of education and religious observance. In particular, they were denied religious education facilities for their children. The secular Government prohibited Muslim women from wearing the hijab (the Islamic headscarf). A Member of Parliament who had refused to remove her hijab had been threatened with the loss of her Turkish citizenship.

62. In Afghanistan, 86 schoolchildren had been burned alive by the Taliban because they belonged to Shiite families.

63. The examples he had cited showed the urgent need for binding plans of action, under which Governments would be required to protect their minorities and honour their obligations under international treaties.

64. Mr. PIETROSANTI (Transnational Radical Party) said that, in Europe alone, there were at least 8 million Roma, a number that exceeded the population of many States. They shared the same origin, language and traditions and therefore constituted a nation rather than a minority. During the Holocaust, half a million Roma had been killed, a fact that had been largely forgotten. In Kosovo, they were currently the victims of racism and intolerance. The Roma were suffering, more than the members of any other nation, from the absence of a common European foreign policy.

65. At a recent world congress, the Roma nation had made it clear that it desired representation and not the establishment of a State, an aspiration that had frequently ended in tragedy. The Roma realized that the key to a better life for everyone lay in the rule of law, democracy and liberty.

66. He urged the Sub-Commission to address the issue of whether the State, in its existing form, was properly equipped to deal with the challenges of the modern world. His organization advocated the creation of a united federation of Europe, a framework within which the concept of a minority would lose its relevance. The rule of law would simply be implemented in the light of the changing needs of each individual. That was the dream of the Romani nation. It was a dream that should be taken up and developed by the international community in general and the Sub-Commission in particular.

67. Mr. GUPTA (International Institute for Non-Aligned Studies) said that there were two opposing trends in the modern world: homogenization and globalization, on the one hand, and assertion of diversity and demands for autonomy, on the other. The latter trend often led to ethnic conflicts, which caused loss of life and suffering throughout the world and continually threatened to spill across national boundaries.

68. States were not seriously complying with the rights recognized in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Indeed many of them feared that such rights would only cause more trouble. Individuals could not, however, be cut off from their linguistic and cultural roots through assimilation into a dominant culture. It was therefore necessary to promote harmonious relations among different groups through mutual respect for each other's language and culture.

69. His organization was pleased to note that the Working Group on Minorities had begun to take seriously the task it had set itself some years previously of acting as the main forum for constructive dialogue on the treatment of minorities by Governments and on ways to improve relations between the parties by finding methods of defusing tension and preventing conflict. The Working Group and the Sub-Commission must impress upon States the need to implement minority rights effectively. The two pillars of such action should consist in protection of the human rights of the group and those of the individuals belonging to the group.

70. Mr. LEBLANC (Franciscans International), speaking also on behalf of Dominicans for Justice and Peace, said that religious intolerance was at the root of a number of conflicts and ongoing violence throughout the world. The absence of political will on the part of some Governments to end discrimination encouraged groups to persecute individuals and organizations.

71. However, an opportunity to counter the growth of religious intolerance had presented itself in Pakistan, which had promised to announce on that same day a restructuring of the election laws. The organizations for which he spoke, in conjunction with the Pakistan Bishops' Commission on Justice and Peace and the Justice and Peace Commission of Religious Men and Women of Pakistan, urged the authorities of that country to end the system of separate electorates which denied religious minorities their right of universal adult franchise by nullifying the significance of their votes and depriving their elected representatives of effective authority. It was a system that exacerbated existing religious divisions by institutionalizing discrimination.

72. Civil-society groups and organizations had taken a number of initiatives designed to end the system. The Chairman of the National Commission of Justice and Peace had written an open letter on the subject to the Chief Executive of Pakistan in February 2000. The National

Commission for Justice and Peace, in conjunction with several other bodies, had submitted a working paper to the governmental authorities highlighting the discriminatory effects of the system. A convention of 19 political parties in July 2000 had concluded that equality must be the basis of the electoral system and Christian Organizers for Social Action had presented the Office of the Chief Executive with 200,000 signatures demanding the replacement of the existing system.

73. The organizations for which he spoke urged the Sub-Commission, in the light of the unprecedented popular protest campaign, to monitor progress towards the implementation of full democracy in Pakistan. They urged the Working Group on Minorities and the Special Rapporteur on religious intolerance of the Commission on Human Rights to monitor and report on the development of a non-discriminatory joint electorate system.

The meeting rose at 5.40 p.m.

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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 August 2000, at 6 p.m.

Chairperson: Ms. MOTOC

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PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (continued)

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GE.00-15243 (E)

The meeting was called to order at 6.10 p.m.

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (agenda item 8) (continued) (E/CN.4/Sub.2/2000/10, E/CN.4/Sub.2/2000/27-28)

1. Mr. WAIDANDEY (World Peace Council) said that the first prerequisite for the preservation of the rights of minorities and the elimination of discrimination against them was that the society in which they lived should ensure equality of treatment and of rights, responsibilities and opportunities. Unfortunately, programmes to benefit minorities had often been so pursued as to cause resentment among minority and majority groups alike. One reason adduced by Dr. Baba-Saheb Ambedkar, the chief architect of India's Constitution and a champion of the scheduled castes and scheduled tribes, was that both groups had followed a wrong path: it was wrong for the majority to deny the existence of minorities, but equally wrong for the latter to perpetuate themselves. A solution was required that, inter alia, would enable minorities and majorities to merge. Accordingly, while majority rights required legal and constitutional safeguards, other groups must be educated about them without inferring that minorities wished to usurp majority rights.

2. Unfortunately, the media and the Internet, which could help so much to harmonize the aspirations of minority and majority groups, had played a divisive role - probably made worse, in the case of the Internet, by its attraction for the impressionable younger generation. And although the basic tenets of the world's major religions made no distinction among people based on their descent, there were some sects which falsely claimed to recognize a distinction, such as certain Indian Christians who falsely claimed to be untouchables although true Christianity recognized no such caste system.

3. Preparation for the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance must concentrate on drawing up programmes to portray minorities in a positive light so that it would not become an arena of conflict for minority and majority groups and nation States. Denunciations of State structures could only reduce, not increase, the space available to minorities.

4. Ms. MacDONALD (International Save the Children Alliance) welcomed the attention paid by the United Nations and other international and regional agencies to Travellers and the Roma, whose human rights had long been ignored in Scotland, Northern Ireland and the rest of Europe. Their traditional culture, beliefs and language, handed down for generations and based on a nomadic lifestyle, were regarded by local and other authorities as a "problem". Their desire for freedom of movement was misunderstood; the sites they were expected to use in some areas were virtual concentration camps, but to dwell elsewhere meant having to live without basic services such as water and electricity. Verbal abuse was common, as was the denial of adequate medical attention; educational opportunities were meagre and often segregated; suspicion by the police and disparagement in the media were commonplace. In 1989, a government health survey in Northern Ireland had shown that Traveller children under 10 years of age were 10 times more likely to die than settled children. Although the 1997 Race Relations Order in Northern Ireland had recognized Irish Travellers, for the first time, as a distinct ethnic minority group and the new Scottish Parliament represented an opportunity to address the inequalities and discrimination faced by Travellers, little had changed in practice.

5. The United Nations, and the Sub-Commission in particular, were requested to urge Governments to recognize Travellers' unconditional rights, actively involve Travellers and Roma in all decision-making that affected their lives and promote an international public education campaign with a view to removing prejudice towards them.

6. Ms. DAES welcomed the report of the Working Group on Minorities on its sixth session (E/CN.4/Sub.2/2000/27). The work carried out by the Group continued to be of vital importance because many minorities continued to suffer persecution. The commentary on the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities would prove to be essential for the interpretation of the Declaration's provisions - a matter to which she had referred in connection with the draft United Nations declaration on the rights of indigenous peoples.

7. She agreed on the various spheres of action mentioned in paragraph 100 of the report concerning the Working Group's future role and endorsed the conclusions and recommendations set out in part VI.

8. Mr. BHAN (International Institute for Peace) said that democracy, however imperfect, was the only political system that recognized equality for all. Since mankind's heterogeneity had been one of its primary strengths, it was essential for every society that each group and individual should be able to make the best possible contribution and not have to waste effort on self-protection. Unfortunately, the laws and institutions of certain nation States discriminated against some groups, reducing them to the status of second-class citizens, with resultant tension and even sectarian violence, as well as demands for linguistic, cultural and economic rights in the guise of self-determination. There were occasions, even in the strongest democracies, when some minority group was dissatisfied with the current Government; but the strength of true democratic structures was that any misgivings and problems could be addressed openly and that any ill-treatment of minorities incurred State penalties. The real problem currently faced by democracies was the incitement of their minorities to armed insurgency, on issues of religion and race, by inimical Powers. Perhaps the most alarming example was the sanctioning of terrorism and violence against India by the Chief Executive of Pakistan, who had described action by terrorist groups against Indian interests as a religious duty.

9. If minorities everywhere were to be protected, nations with discriminatory constitutional, legal and institutional structures should be advised to reform them, punitive action should be taken against States which sought to encourage violence by minorities in other States and appreciation of the equality of all human beings should be instilled at an early age.

10. Ms. ROBERT (Médicins du Monde - International) said that the Romeurope network, a group of several organizations meeting on the initiative of Médicins du Monde, had been studying the disturbing health situation of the Roma. According to estimates made in Spain, France and Greece in 1999, the premature birth mortality rate stood at 19 per thousand, compared to 2.2 per thousand in France in 1996, the infant mortality rate being roughly 23.5 per thousand, as against 4.8 per thousand in France in 1996. Life expectancy was also considerably lower than the national average for European Union countries. The health prerequisites set forth in the 1986 WHO Ottawa Charter for Health Promotion were cruelly lacking for many Roma groups. The reasons were clear: lack of access to basic services, separateness, expulsion,

limited access to jobs and low levels of education and training. As noted in the working paper on the human rights problems and protection of the Roma (E/CN.4/Sub.2/2000/28), the Roma (Gypsy) minority suffered from widespread discrimination and, at times, persecution and violence. Even in European Union countries, indifference to health conditions of the Roma (Gypsies) - for example, the lack of medical attention for persons without residence permits - had prompted her organization to initiate vaccination and other measures against tuberculosis, meningitis and hepatitis. Her organization and the Romeurope network had made available an expert study of conditions in Spain, France and Greece in that regard; they were also organizing two symposiums, to be held in October and November 2000, on the situation of the Roma.

11. It was essential that the Roma should play a part in any measures taken with a view to the promotion and protection of their human rights and that States should face up to their obligations in preventing discrimination and ensuring health protection for minorities. The interest currently being shown in that group was welcome and should be accompanied by further studies and recommendations designed to put an end to violations of their human rights. Her organization supported the working paper contained in document E/CN.4/Sub 2/2000/28 and encouraged the Sub-Commission to continue its pioneering work in that regard.

12. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) welcomed the working paper prepared by Mr. Sik Yuen (E/CN.4/Sub.2/2000/28), which raised a number of issues of concern to her organization and its partner, the Central Council of German Sinti and Roma. The second sentence in paragraph 38 of the working paper seemed highly discriminatory, however, since it implied that the Roma did not respect the laws of the countries where they resided. The assumptions underlying such a comment reflected the long-standing discrimination to be seen in the policies of the countries concerned. Since the Sinti and Roma were often classified as "marginalized social groups" and their issues treated as "social problems", their rights were often inadequately protected as compared to those of groups categorized as "national minorities" - a problem reflected in the implementation of the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Her organization therefore strongly recommended that Mr. Sik Yuen should continue to study the subject, taking into account, inter alia, the different situations faced by groups in different countries, often assembled under the single term "Roma", the status of the application of relevant international and regional standards to their situation and the use of prejudicial terminology.

13. Other peoples in addition to the Roma minority, such as the Dalits in South Asia and the Burakumin in Japan, were denied the applicability of international standards. In that connection, her organization welcomed the Sub-Commission's adoption, without a vote, of draft resolution E/CN.4/Sub.2/2000/L.14 on discrimination based on work and descent.

14. Mr. FATTORINI (Movement against Racism and for Friendship among Peoples), referring to the working paper submitted by Mr. Sik Yuen (E/CN.4/Sub.2/2000/28), said that the long-standing situation of discrimination against the Roma, which had been a subject of attention by the High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe and was reflected in a growing number of reported instances throughout Europe, could no longer be ignored.

15. In Romania, the Roma had been slandered as criminals. In the Czech Republic, they had been discriminated against in terms of citizenship rights and documentation and even demonized in an Internet video game; and, despite a government ruling, the wall built around the Roma quarter in the town of Usti nad Labem had not yet been pulled down. In Hungary, Roma families were being expelled from their homes in the town of Ózd to make room for a planned development for higher-income families. In France, the authorities were delaying the implementation of a law on reception areas for Travellers. In Spain, Gypsy children had been refused admission to a school. In Belgium, the Foreign Ministry had urged the Czech Government to improve the domestic living conditions of Roma and thus reduce the number of asylum-seekers, but there had been disturbing articles in the Belgian press about a possible entry ban on Slovak Roma. In Germany, Roma travellers were required to have a minimum amount of money in order to enter the country. The situation in Europe was so serious that the Committee on the Elimination of Racial Discrimination had devoted a day and a half to discussing it. His organization invited the Sub-Commission to undertake a further study on the causes of and responsibility for discrimination against the Roma and on measures to compensate them for the losses and injury they had suffered.

16. Mr. SIK YUEN said that he welcomed constructive criticism of his working paper, but felt that the concern expressed by a previous speaker about the second sentence of paragraph 38 might have arisen out of a misunderstanding of the words "to be perceived". He had tried at all times to be objective and fair and, in all fairness, he had to state that the Roma themselves often courted criticism and acted uncooperatively in ways that did not help their cause. Only if all sides respected the rules could understanding and progress be achieved.

17. Mr. OGURTSEV welcomed the report of the Working Group on Minorities on its sixth session (E/CN.4/Sub.2/2000/27). The Working Group's work was of the utmost importance and must be further encouraged, particularly in continuing dialogue with regional forums dealing with the human rights of minorities, such as the OSCE High Commissioner for Minority Affairs, the Council of Europe and the Council of Baltic States, to mention but some in Europe. It would also be mutually advantageous to promote the involvement of non-governmental and intergovernmental groups. He endorsed the appeal the Working Group had made to the High Commissioner for Human Rights in paragraph 121 of the report to organize a seminar for representatives of global and regional organizations, treaty bodies and specialized agencies to discuss the issues connected with their respective work on the protection of minorities and improve coordination so as to reduce duplication of work. Such a gathering would also help to enhance coordination among the relevant United Nations bodies, which was essential in order to avoid weakening the overall effort in the field of human rights. The Sub-Commission should therefore support the proposal more decisively.

18. He also supported the request for funding to employ a person full-time in the Office of the High Commissioner for Human Rights, as mentioned in paragraph 118 of the report, to deal with the rights of persons belonging to minorities. Such a measure would be in line with the spirit of resolutions recently adopted by the Commission on Human Rights for the strengthening of the Office of the High Commissioner.

19. Mr. BENGOA welcomed the working paper prepared by Mr. Sik Yuen on the human rights problems and protection of the Roma (E/CN.4/Sub.2/2000/28). Among the issues raised,

one basic problem was that of integration. As in all situations involving nomadic and travelling peoples on all continents, the challenge was to safeguard their time-honoured culture while enabling them to enjoy the benefits of the modern world. There was a need to find ways that would preserve the diversity of human life and culture while ensuring equality and other rights for minorities. In the case of the Roma, the working paper showed that the challenge had been taken up and he hoped that the work it reflected would be continued.

20. Ms. AKGÖNENC (Society for Threatened Peoples) said that Turkey was a developing country that had progressed steadily since 1923, but still lagged behind in protecting human rights and developing democratic institutions. In south-east Turkey, conflict between terrorist and security forces had caused some 2.5 million people to migrate; the resulting poverty and suffering had often been referred to as the Kurdish problem, but in reality affected everyone. In Turkey, politicians, writers, media personalities and intellectuals faced severe limitations on freedom of thought and expression. Examples included that of the sociologist Ismail Besikci, who had been sentenced to 100 years' imprisonment because of his different approach to the Kurdish problem. Since 1946, the State had banned over 50 political parties; various associations and unions suffered constraints; the media were subject to prohibitions; and one political party that had received record voting support had been banned on flimsy legal grounds currently being reviewed by the European Court of Human Rights.

21. Her organization requested the Sub-Commission to remind Turkey of its human rights obligations in all aspects and invited United Nations agencies to express their concern about gross violations of human rights in Turkey and to urge the establishment and implementation of a fair legal system in that country.

22. Mr. NAQASHBANDI (Muslim World League) said that the dawn of a new century was an opportunity to reinforce the ideas enshrined in the Universal Declaration of Human Rights. The first step should be to proclaim that "majoritarianism" based on religion had no place in the comity of nations; unfortunately, it held sway in India, where a Hindu fundamentalist Government fomented hostility towards religious minorities, particularly Christians and Muslims. Over the past two years, elements belonging to Sang Parivar had been involved in acts of violence, including killing, rape and pillage, against those of other religions. The current Government had not only ignored, but actively supported those acts. In its latest report, released in October 1999, Human Rights Watch had testified to such attacks, noting that the causes were linked to the creation of a Hindu nation. The report had categorically blamed Sang Parivar and its partners. Unfortunately, such gross and systematic violations of human rights were not mentioned in a single United Nations document, despite all the evidence collected by reputable Indian and international organizations. Moreover, certain non-governmental organizations, from India and elsewhere, wrongly projected Islam as the prime source of religious discrimination.

23. His organization urged NGOs to produce an independent report on the plight of Muslim, Christian and other minorities in India; it also urged the Sub-Commission to take immediate note of the situation and recommend to the Indian Government that it should take firm steps to protect minorities, seek explanations about the persecution of minorities and appoint a special rapporteur on the situation of minorities in India.

24. Mr. AHMAD (World Muslim Congress) said that more than 150 incidents of violence against Christians in India had been reported over the past two years. For members of India's Muslim minority, however, religious intolerance was nothing new. Their plight had been largely ignored by the international media and was consequently little known to the outside world. They had constantly been subjected to detrimental propaganda and the use of draconian laws. Statistics spoke for themselves: Muslims, the country's largest religious minority, formed 15 per cent of India's population, but, for example, their share in the Indian police service was 2.7 per cent, in the Indian administrative service, 3.2 per cent and in the foreign service, 3.3 per cent; of directorships in public and private limited companies, their share was 1.7 per cent and 1.4 per cent, respectively; 46 per cent of Indian Muslims lived below the poverty line, compared to the national average of 33 per cent. Their representation in elected bodies continued to decline sharply.

25. The country's ruling Bharatya Janata Party was a conglomerate of extremists and fundamentalists which openly condoned anti-Muslim activity, but calls for respect for the constitutional rights of Muslims were deemed anti-State activities. Muslims and Christians had been part of Indian society for over 1,000 years and were not pseudo minorities seeking advantage through false representation in the international arena. It was hard to explain the reason for the hostility against them - unless it was the influence of the movement for reconversion to Hinduism. Such proselytism had shown its potential for human conflict and had been condemned by Mahatma Ghandi himself. The Sub-Commission should examine the whole question of its effect on human rights norms and draw the Indian authorities' attention to their obligations under the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

26. Mr. KOHLI (Indian Council of Education) congratulated the Working Group on Minorities on its participation in the Seminar on Multicultural and Intercultural Education, referred to in part III of the report on its sixth session (E/CN.4/Sub.2/2000/27) and urged it to continue such work by urging States to adopt effective policies in that regard. It had been estimated that, since 1945, ethnic conflicts had claimed some 16 million lives - several times more than those lost in inter-State wars. The bloodshed in Northern Ireland, South Africa, Rwanda, Yugoslavia, Sri Lanka, India and Pakistan, to name but some ethnic trouble-spots around the world, had posed a serious challenge. History showed that the key to any solution was to bring about reconciliation and reconstruction in ethnically divided societies; the idea of creating States on an ethnic basis had not been very fruitful.

27. Multiculturalism had emerged as a major theme in many plural societies, emphasizing the accommodation of differences based on race, religion, language, culture and habitat. It was opposed to any amalgamation in which each ethnic group contributed something, but lost its identity; and it recognized the contribution made by minority ethnic groups to a national heritage. In many countries, however, the notion was taken to mean only constitutional equality, to which effect was given by measures such as provision for the teaching of minority languages. True multicultural policy called for a decentralized, democratic, political structure, and that was one reason why authoritarian regimes, however much they might profess to support multiculturalism, were by nature its antithesis.

28. He urged the Working Group to stress the relationship between multiculturalism and democracy, since only through the latter could the values of the former be consolidated.

29. Mr. MATTALITI (Observer for Indonesia) said that the Indonesian nation had been built from the outset on plurality and the existence and rights of minorities were recognized and fully respected. President Abdurrahman Wahid was well known for his pluralist vision and had recently reiterated, when presenting a Government progress report to the Indonesian Peoples' Assembly, that ethnic, religious, cultural and linguistic tolerance was one of the principles of his Government. An example of the current advances was the revocation of Presidential Decree No. 14/1967, which had, for over three decades, restricted the observance of Chinese beliefs and customs.

30. The commendable progress achieved by the Working Group on Minorities had enabled it to identify the challenges facing Governments in promoting and protecting minorities, although some issues, such as conflict prevention, remained to be formulated. His delegation endorsed the recommendation relating to further work on a database and believed that intercultural and multicultural education was important for ensuring the protection of minorities.

31. The Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities contained no definition of a minority. In that regard, his delegation noted with interest the working definition introduced by the Chairperson-Rapporteur of the Working Group. The issue of minorities was, however, not simply a matter of numbers but a question of tolerance and respect in a specific society and socio-political setting. Steps should at least be taken to establish criteria to provide a better understanding of what constituted a minority whose rights should be protected. That alone, of course, would not guarantee the protection of such rights; the United Nations should therefore develop a convention on minorities together with a body to monitor implementation.

32. Disregard for the rights of religious minorities in many parts of the world remained a cause for concern and warranted attention by the Working Group, whose study of the matter would not necessarily duplicate the work of the Special Rapporteur of the Commission on Human Rights on religious intolerance.

33. Mr. GUISSÉ said that the work of the Working Group on Minorities reflected the need to establish and develop a suitable framework for measures to ensure the protection of minority rights. From the outset, however, he had considered that the task of defining a minority was virtually impossible and perhaps even futile, although he would not oppose attempts to do so. The real need was for a framework embracing all elements which would serve to identify a group, not for a precise definition which would be somewhat academic and of little practical use. He recalled that, when the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities was being prepared, there had been widespread misunderstanding about the notion of national minorities and he was sure that many of those belonging to such groups would have preferred to be defined simply as a minority. There had to be a set of elements which would make it possible to identify a group as a minority in a given case. Since such a framework was less restrictive than a definition, it would be a more effective means of helping countries promote and protect the rights of minorities living in their territories.

34. The notion of minority rights was not, however, synonymous with self-determination; the latter concept, as reflected in the relevant international instruments, had been based on the aspirations of peoples under colonial rule and other forms of foreign domination and did not reflect the issues involved in respect of groups which, while striving to preserve their particular language, culture, religion and traditions, sought to participate in the overall development of the society of which they were an integral part. The promotion and protection of a minority's rights should therefore be viewed in the context of an appropriate national structure and legislation; the assertion of minority rights was not to be equated with separatism.

35. Mr. SOMOL (Observer for the Czech Republic) said that his delegation welcomed the Sub-Commission's decision to entrust Mr. Sik Yuen with preparing an informal working paper on human rights problems and the protection of the Roma and was increasingly interested in the attention the United Nations was giving to that topic. The reports of several States, including his own, which were parties to the Convention on the Elimination of Racial Discrimination had touched on the subject, which had been discussed in the relevant Committee, the latter having set aside two days of its next session for a thematic discussion of the situation. A great deal of information was available about the Roma in European countries and the activities of the relevant regional bodies, but not about the Roma outside Europe.

36. It would be extremely helpful if the future feasibility study, which his country fully supported, also provided positive models of the "best practices" of States in dealing with a large Roma population rather than citing bad examples only; it should also show what practical measures States had taken and analyse the respective advantages and disadvantages. Areas of concern should include measures to eliminate racial discrimination and promote the social integration of the Roma, including their international political representation; the possibility of strengthening the self-identification of the Roma as a group should also be addressed. His delegation was ready to cooperate fully in such tasks.

37. Mr. HUSSEIN (Observer for Iraq) said that national minority groups in his country had a long history of peaceful coexistence as part of the national heritage and their rights in all fields, such as education, employment, health and entry into the public service, were fully guaranteed. For example, article 19 of the 1970 Constitution stated that all Iraqis were equal before the law, without distinction; article 5 noted that the Iraqi people consisted of two major national groups, Arabic and Kurdish, and enshrined the rights of Kurdish and other minorities. Moreover, Law No. 36 of 1974 granted the Kurdish minority autonomy in their region, including their own legislative and executive councils, as well as social, cultural and media institutions, and recognized Kurdish as one of the major languages in the region in addition to Arabic. Other legislation, such as Law No. 89 of 1970 and Law No. 251 of 1974, guaranteed the rights of Turkoman, Syriac, Armenian, Assyrian and other minorities to exercise their respective social, cultural and intellectual rights in addition to all the rights deriving from Iraqi citizenship.

38. As any objective observer could see, Iraq's measures to uphold the rights of minorities on its territory went beyond the requirements of the relevant international instruments and its experience and practice in that regard served as a benchmark in the Middle East. On the other hand, Iraq rejected the misuse of the term "minority" as a pretext for secessionist movements or foreign interference and the development within the national territory of illegal activities such as drug trafficking - problems which the Working Group on Minorities should study meticulously.

In that regard, the policy being pursued by the United States and United Kingdom Governments in certain areas of Iraq, especially where Kurds lived, had led to destabilizaton and had disrupted government administration, which was being usurped by armed militias. The resultant material losses had been put at US$ 20 billion and the humanitarian loss was untold. Such outside interference in the internal affairs of a sovereign State contravened the Charter of the United Nations and international law.

39. Mr. MUSAYEV (Observer for Azerbaijan) said that Azerbaijan was a multi-ethnic country whose national policy paid due regard to the legitimate interests of minorities; the latter enjoyed equal citizenship rights and were able to participate in all areas of activity. In exercising those rights they were nevertheless expected to observe national legislation and the rights of others. As the Chairperson-Rapporteur of the Working Group had said with regard to the problems of minorities, one frequent mistake was to assume that only the Government - or the majority - was to blame and that adaptation had to come only from that side. It had also been observed that there were currently several minorities in the world that pursued extremely provocative and violent policies. Disregard for the principles of international law, particularly sovereign equality, territorial integrity and the political independence of States, by a minority and a so-called "mother country" or other external factor was a common cause of conflict, often exacerbated by attempts by one State to further its aggressive policies towards another in the guise of some ethnic group's struggle for self-determination. In some reports submitted by States parties pursuant to the International Covenant on Civil and Political Rights, the right protected under article 27, was confused with the right to self-determination proclaimed in article 1. In that regard, the Human Rights Committee, in a general comment on article 27, had drawn attention to the distinction. The Sub-Commission and the Working Group on Minorities should therefore pay more attention in future studies to issues such as direct or indirect external participation involving minorities and to the latter's duties to the society at large.

40. Mr. PETÖCZ (Observer for Slovakia) said that, during the Working Group's sixth session, some participants had questioned the use of the term "national minority" in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, arguing that it was a contradiction because, in most western languages, the term "nation" was used as a synonym for "State". In central and eastern Europe, in particular, however, the term "nation" in most languages and political concepts meant a large ethnic community with social, cultural and political internal organization and, especially, its own language. State territories rarely coincided with those inhabited by an ethnic nation and some communities lived in States that were not even contiguous; it would therefore be strange to presume that their recognition as national minorities meant that they were seeking unification with their parent nation.

41. The International Bill of Human Rights provided no binding definition of the terms "people", "nation" and "minority" and the only way to preserve the universality of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities was to include and reflect all possible concepts of belonging to a minority. In that regard, the terms "national", "ethnic", "religious" and "linguistic" used in the Declaration were fully in keeping with article 27 of the International Covenant on Civil and Political Rights.

42. The Roma in eastern Europe, although distinct from the majority population in terms of lifestyle and culture, lacked certain important features of indigenous peoples, such as adherence to the land; nor did they have their own codified, standardized language or, as yet, comprehensive social, cultural and political structures. Nevertheless, the Slovak Government had granted the Roma the same constitutional status as other national minorities in the country. The current Government was striving to narrow the divide between the Roma and the rest of the population and to eliminate the prejudice that still existed on both sides; details could be found in document CERD/C/328/Add.1 submitted to the Committee on the Elimination of Racial Discrimination.

43. Ms. GEVORGIAN (Observer for Armenia) said that her country deemed the promotion and protection of minority rights, as provided for in article 27 of the International Covenant on Civil and Political Rights, of paramount importance. All minorities living in Armenia - Russians, Ukrainians, Kurds, Greeks, Jews and Assyrians - enjoyed the rights and freedoms granted by the Constitution to all citizens without distinction. The Government had recently set up a National Council for Minorities to discuss issues through consultations and joint meetings. Minorities were free to establish national schools, use their own language, broadcast programmes and have their own press. By developing their specific cultural, religious and social identity, they contributed to the country's overall wealth. Armenians who had settled in other countries following the 1915 genocide, which had been committed by the then Ottoman Empire and during which 1.5 million Armenians had been exterminated or deported, had been fully integrated into the political, social and cultural life of the host countries, contributing to the welfare of those countries as successful citizens. It was therefore unfortunate that some claims by minorities for their legitimate rights had been deemed unlawful nationalism and cruelly suppressed. Instead of promoting a modern, multicultural society, the single-culture policies of some States had led to total assimilation, contrary to the most elementary concepts of minority rights. Armenia strongly condemned the violation of all minority rights, particularly the biased approach adopted by some States. On the other hand, it valued the work of the Sub-Commission's working groups, which continued to highlight the importance of defining, protecting and promoting those rights.

44. Ms. SHKURTI (Observer for Albania) said that Albania was one of Europe's most homogenous countries. It had two recognized national minorities, Greek and Macedonian, representing 2 per cent of the total population as at the latest registration in 1989. Relations with minorities had always been characterized by mutual understanding and respect, as demonstrated by the fact that, in Albania, unlike elsewhere, there had been more Jews after the Second World War than before it. Even under a dictatorial regime, the status of national minorities had always been at least as high as that of other Albanian citizens. That was why efforts by certain political circles to create divisions had always failed. The current Government's measures to establish the democratic rule of law also aimed at improving the situation of national minorities. The 1998 Constitution prohibited discrimination against them and provided for criminal proceedings in respect of incitement of hatred among nationalities, races and religions.

45. Albania was a party to many international instruments relating to the rights of minorities and had recently ratified the Council of Europe's Framework Convention for the Protection of National Minorities. The rights of persons belonging to national minorities included the use of their own language at all levels of education and the publication of newspapers and periodicals in

their language. The Government cooperated with the Governments of neighbouring countries to promote cross-border exchanges so that persons belonging to national minorities could maintain links with those in other countries. The Office of Minorities, which had recently been set up in the Ministry of Foreign Affairs, was ready to collaborate with Governments and national and international bodies to deal with issues relating to minorities as part of a policy of creating a peaceful climate in the Balkans.

46. Mr. SABHARWAL (Observer for India) said that global civilization was enriched by diversity. At a time of increasing pluralism, there was a greater need for tolerance and understanding on the part of all, but the recrudescence of various forms of exclusivism, bigotry, hatred and intolerance, with the attendant danger of violence and terror, often in the name of distorted religious values, was particularly worrying. The response to those dangers was to be found within a democratic framework providing for equality under the rule of law. In India, diversity made definitions of majority and minority especially difficult; linguistic groups, for example, cut across ethnic and religious lines. India's minorities were therefore chiefly defined by religion. The Constitution guaranteed freedom of religion and provided special safeguards for the rights of minorities, including the right to have a distinct language, script and culture and to establish and administer their own educational institutions. As a further safeguard, a Minorities Commission had existed since 1979 and had become a statutory body in 1992.

47. Despite constitutional safeguards and the country's long history of tolerance, regrettable incidents of violence against members of minority communities sometimes occurred. The Government had always strongly condemned such incidents and taken prompt measures to prosecute offenders. It had repeatedly made it clear that bigotry would not be tolerated. Fortunately, all sectors of society remained determined to uphold tolerance and social harmony.

48. His delegation appreciated the efforts of the Working Group on Minorities and encouraged it to continue its work as a forum for study and analysis. It should, however, guard against becoming a complaints mechanism, for that would undermine its potential while duplicating the work of other human rights bodies.

49. Mr. AHSAN (Asian Buddhist Conference for Peace) said that more than 22 million people belonging to the Mohajir minority community in Sindh province, southern Pakistan, had been subjected to gross violations of their human rights by successive ethnic Punjabi-dominated Governments. The atrocities included near-genocide, extrajudicial executions, unlawful arrests and detentions and torture in custody. As indicated in the report of the Working Group on Minorities, Pakistan had come under severe criticism for cases such as those mentioned by Franciscans International relating to blasphemy laws and the separate electoral system.

50. Mr. WEISSBRODT, speaking on a point of order, said that speakers should be careful about making allegations of genocide.

51. Mr. AHSAN (Asian Buddhist Conference for Peace) said that the ruling Punjabi groups continued to prevent the country's largest ethno-linguistic minority from participating in decision-making and power-sharing. He invited the Sub-Commission to examine the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions

(E/CN.4/1998/68/Add.1) and the Special Rapporteur on the question of torture (E/CN.4/1998/38/Add.1), as well as a draft resolution submitted at a previous session of the Sub-Commission (E/CN.4/Sub.2/1997/L.22) and other relevant Commission documents.

52. The case of Dr. Farooq Sattar, who had been sentenced to 14 years' imprisonment on fabricated charges, was a glaring example of the suppression of Mohajirs when they sought to exercise their human rights. His delegation urged the Sub-Commission to persuade the Government of Pakistan to end the repression of the Mohajirs and grant them their democratic right to justice, equality and a share in decision-making. The Mohajirs were entitled, in fact, to demand autonomous status for Sindh province; several members of the Working Group had expressed the view that autonomy was a viable political alternative to the discriminatory treatment of minorities.

53. Mr. MERIÇ (Observer for Turkey), speaking in exercise of the right of reply at the invitation of the Chairperson, said that his delegation had listened very carefully to the allegations made by the Society for Threatened Peoples. Turkey was a pluralist democratic country with no restrictions on political activities except those aimed against the constitutional order and State integrity. Everyone had equal rights and responsibilities and no political party had the right or power to change the State order in furtherance of political aims. Democracy, while based on the free expression of opinion, was, however, not a licence to abuse established rights with a view to the destruction of public order.

54. He had already replied to allegations about displaced persons at an earlier meeting during the Sub-Commission's current session.

55. Mr. KHAN (Observer for Pakistan), speaking in exercise of the right of reply, said that his delegation failed to understand why Franciscans International, a respected non-governmental organization, should have focused so intensively on the alleged situation of minorities in Pakistan, especially since no question of violence had been raised. The separate electoral system, one of the issues raised, was an affirmative action that gave minorities, which constituted only 3 per cent of the total population, a degree of representation they would otherwise lack. It should be recalled that, in the days of the British Raj, a separate electorate had been one of the Muslims' major demands. It was surprising that the NGO concerned had not said anything about the horrendous situation of Christians in a neighbouring country. With regard to allegations concerning massacres in the occupied territory of Kashmir, he referred the Sub-Commission to a report prepared by an independent Indian commission.

56. Ms. HAMPSON, speaking on a point of order, said that the issue just mentioned had already been raised. Moreover, speakers should be reminded not to talk about events in territory outside their authorities' control.

57. Mr. KHAN (Observer for Pakistan) said that his statement was simply a response to an NGO's allegations about Pakistan's involvement in the events concerned. He stressed that Pakistan had not been involved, directly or indirectly, and that his reply was not intended as an attack on any other State.

58. Mr. EIDE said that discussion of the Working Group's report (E/CN.4/Sub.2/2000/27) had been interesting and fruitful. Comments on the Working Group's efforts had in general reflected satisfaction; he was particularly gratified by a reference to the Group's combination of prudence and dynamism. Some speakers had focused on thematic issues and others on specific situations. Many NGOs had spoken on the latter and one common point raised was the need not simply to advocate tolerance, but to teach the benefits of diversity; multicultural and intercultural education was especially valuable in that regard. Other speakers had stressed the importance of effective participation by all groups, with a view to establishing true pluralism.

59. He agreed with Mr. Guissé that the issue of minority rights was not synonymous with that of separatism, but he also agreed with Ms. Hampson's comment that, if ethnic groups were denied their political aspirations, including assertion of their identity in a country's political process, the desire for separatism could arise, and had done so in some cases.

60. With regard to an observation made by the observer for Slovakia, he himself had warned, on previous occasions, of the possible risk involved in the idea that ethnicity and nationhood were coterminous. As for the comment by the observer for India, the Working Group did not intend to develop a complaints mechanism, but, pursuant to its mandate would certainly provide ample opportunity for dialogue involving minorities and any Governments concerned; the latter could either be represented in the Working Group's meetings or transmit information.

61. Mr. GUISSÉ cautioned that the very fact that a minority might be in a situation deemed to warrant a call for separatism could encourage disregard for national law. Events had shown that, far from protecting a minority, separatist action could consign it to a situation of constant conflict. It should be stressed that the Working Group had no interest in encouraging any minority to regard itself as having its rights disdained, but, rather, urged all States to shape and apply their domestic laws in such a way as to promote harmony and discourage separatism.

62. Mr. EIDE said that he agreed. Indeed, article 8, paragraph 4, of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities stated that nothing in that instrument might be construed as permitting any activity against the sovereign equality, territorial integrity and political independence of States. The Working Group's approach was to encourage States so to arrange their internal structure and legislation as to ensure the full enjoyment of the social and political order by all groups, precisely in order to avoid any feeling of alienation that could be detrimental to the State's integrity.

63. Mr. SIK YUEN said that he appreciated the positive approach reflected in the statements by the observers for the Czech Republic and Slovakia with regard to the situation of the Roma. He would welcome continued cooperation, including the supply of further information, from all the Governments and NGOs concerned.

The meeting rose at 8.55 p.m.